

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 1510 of 2005

Between:

Syed Ali Imran, S/o. Abdullah,
R/o. Nampally, H.No.5-7-367, Hyd.

..... PETITIONER

AND

1 The Govt of India, Ministry of External Affairs, rep. by its Secretary, Sansad

Bhavan, New Delhi.

2 The Regional Passport Office, rep. by its Regional Passport Officer, Hyd.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue order or orders, direction or directions writ or writs, particularly one in the nature of Writ of Mandamus and direct the respondents to receive the application from the petitioner for change of Date of Birth in the passport bearing No.T246190, from 17.9.1972 to 17.9.1976 as mentioned in the secondary School Certificate No.PC/02/0212281/3 and consequently direct the respondents to change the date of Birth in the passport and issue the same to the petitioner.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

Mrs.Y.B.Saraswathy, Addl.SC for CG

The Court made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.1510 OF 2005

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ORDER :

This writ petition is filed aggrieved by the action of the respondents in not receiving the application of the petitioner for change of date of birth in the passport bearing No.T 246190 from 17-9-1972 to 17-9-1976 as mentioned in the Secondary School Certificate.

When the case is taken up for consideration, the learned Standing Counsel appearing for the respondents points out that the passport held by the petitioner has already expired and therefore the only course available is to apply for a fresh passport together with necessary documents to establish correct date of birth.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:

“ (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.”

As of today, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to receive the application of the petitioner for fresh passport incorporating the correct date of birth and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

(G. ROHINI, J)

Date:03-02-2005

Note:

Issue C.C. by Monday.

(B/o)

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To

1 The Secretary, Govt. of India, Ministry of External Affairs, Sansad

Bhavan, New Delhi.

2 The Regional Passport Officer, Regional Passport Office, Hyd.

3 2CD copies.